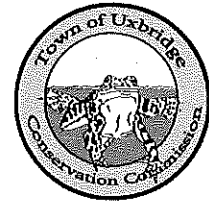


Town of Uxbridge
Conservation Commission
21 South Main Street
Uxbridge, MA 01569
508-278-8600 x 2020



Conservation Commission Meeting Minutes June 5, 2023

Present: Jeff Shaw, Paul Balutis, Jim Clancy, Russell Holden, Philip Bertuglia, Lauren Steele and Conservation Agent Emily Petro

CERTIFICATE OF COMPLIANCE

1. 312-1128 444 Elmwood Avenue

Motion: Mr. Holden made a motion to table the request while awaiting a representative to present the request. Mr. Balutis seconded, and the motion passed unanimously by vote of 6-0-0.

2. 312-1118 Campanelli Drive

- Brandon Lee, Kelly Engineering and Alex Ferguson, Campanelli Co attended the meeting on behalf of the request. Ms. Petro explained that the project was for the construction of a 480,000 square foot warehouse with work within the 100' buffer zone and a wildlife crossing installed. She performed a site visit June 1, 2023 and shared photographs of the site. Everyone agreed vegetation was sparse in some and Mr. Ferguson stated that they reseeded immediately after the site visit and grass was already starting to grow. There was also a review of the wildlife crossing and related EcoTec assessment dated 11/2/22. Because there was still a good amount of area with very sparse grass growth, members offered the option of continuing the request to a future meeting to allow those areas to fill in and the Applicant accepted.

Motion: Mr. Balutis made a motion to continue the request to the June 20, 2023 meeting of the Conservation Commission. Mr. Bertuglia seconded, and the motion passed unanimously by vote of 6-0-0.

PUBLIC HEARINGS

Motion: Mr. Balutis made a motion to take the public hearings out of order to hear the RDA for Pout Pond first. Ms. Steele seconded, and the motion passed by vote of 6-0-0.

1. **Request for Determination of Applicability (RDA) 70 West River Road, (Map 13, Parcel 4877)**

Applicant: Pout Pond Recreation Committee

Representative: N/A

Project Description: The proposed project involves replenishing sand along the southerly shoreline of Pout Pond.

Presentation: Cindy Bly, Pout Pond Recreation Committee (PPRC) Chairperson attended the meeting on behalf of the RDA. Ms. Bly explained that the PPRC received a donation of washed sand from Kimball's Sand Company and that they would like permission for the DPW to spread on the beach. Aerial images were displayed, and members pointed out the boundaries where the sand may be spread. Members appreciated the RDA and agreed a negative determination could be made as long as the PPRC notifies the Commission or its agent prior to the spreading of the sand.

Ms. Petro mentioned that the PPRC is considering purchasing a small shed to store handicap accessible equipment (beach mats, walker and wheelchair) obtained through the accessibility grant because it cannot fit through the door of the existing building. She and Ms. Bly asked for the Commission's input on where to locate it, and everyone agreed to place it on the parking lot near (but not blocking) the pathway to Pout's field.

Motion: Mr. Balutis made a motion to issue a Negative Determination of Applicability with the following two conditions i) the Commission or its agent is notified before the sand is spread. Mr. Bertuglia seconded, and the motion passed unanimously by vote 6-0-0.

2. **Notice of Intent (NOI) DEP #312-1150, 446 Douglas Street, (Map 23, Parcel 3665)**

Applicant: Nicole Fenoff

Representative: Marianne Diffin, DiPrete Engineering

Project Description: Construction of a gravel parking lot within the 200-foot Riverfront Area of Cold Spring Brook. *Public hearing opened 5/15/23. Mr. Balutis recused himself from discussion per the conflict law.*

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Presentation: Marianne Diffin, DiPrete Engineering and Nicole Fenoff attended the public hearing on behalf of the NOI. Ms. Diffin reviewed changes made to the plan in response to the comments they received during the last hearing - following items added asphalt millings detail, landscape edging detail, no snow storage signage, and a 2'w x 1'd infiltration trench). Ms. Diffin said she spoke with DEP and Ms. Petro and she will be updating the alternatives analysis and including an O&M for the millings and trench.

Aerial images showing the clean up of the site were displayed. There was discussion about snow removal and Ms. Fenoff said it will be picked up and moved with a bucket truck. Members asked for a more detail regarding Ms. Diffin's discussion with DEP and discussed issuing an order with conditions that the revised documents are provided prior to the start of work.

Motion: Ms. Steele made a motion to close the public hearing for DEP 312-1150 for 446 Douglas Street. Mr. Holden seconded, and the motion passed unanimously by vote of 5-0-0.

Motion: Mr. Holden made a motion to issue an Order of Conditions for DEP 312-1150 with the Uxbridge Standard Special Conditions and one additional condition that the Commission is provided with the revised narrative and alternatives analysis prior to the start of work. Ms. Steele seconded, and the motion passed unanimously by vote of 5-0-0.

3. Abbreviated Notice of Resource Delineation (ANRAD), DEP #312-11XX 23 Old Lackey Dam Road (Map 15, Parcel 1433)

Applicant: Jim Berkowitz

Representative: Goddard Consulting, Inc., Northborough

Project Description: Filed to confirm resource areas present on or near the site.

Motion: Ms. Steele made a motion to open the public hearing for the ANRAD for Old Lackey Dam Road. Mr. Bertuglia seconded, and the motion passed by vote 6-0-0.

Presentation: Nicole Hayes, professional wetland scientist with Goddard Consulting presented the ANRAD on behalf of Jim Berkowitz (also in attendance at the hearing). Ms. Hayes explained her client would like to establish the resource areas on the parcel. It was noted that there is a gravel operation near the site. Ms. Hayes reviewed the ANRAD plans and resources on site which required multiple delineations.

Discussion: Due to the size of the parcel and amount of resource area members considered a peer review of the ANRAD application and plan. The applicant understood and everyone agreed to obtain quotes from a few potential companies (EcoTec, Beta Group and Beals and Thomas). Still waiting on DEP number.

Motion: Mr. Shaw made a motion to initiate a peer review of the delineation for Old Lackey Dam Rd. Mr. Balutis seconded, and the motion passed unanimously by vote of 6-0-0.

Motion: Mr. Holden made a motion to continue the public hearing for Old Lackey Dam ANRAD. Mr. Balutis seconded, and the motion passed unanimously by vote of 6-0-0.

4. Notice of Intent (NOI) DEP #312-1149, 11-95 Freedom's Way

Applicant: Gray Wolf Development, LLC

Representative: MidPoint Engineering & Consulting, Webster

Project Description: The proposed project is for construction of two detention basins within the 100-foot Buffer Zone to a Bordering Vegetated Wetland.

Presentation: Patrick Doherty, MidPoint Consulting attended on behalf of the Application. The developer Mike Salvatore also attended the meeting and provided some input. Mr. Doherty explained Freedom's Way is an older subdivision (initially permitted in 2003, road at binder and 7 of 19 homes constructed). The developer has decided to modify the subdivision by extending the roadway 285' ending in a cul-de-sac. The extension will result in 3 additional lots. Because of the modification, Basin A would be reconfigured and located further N. The reconfigured basin will collect the same run-off, hold the same volume, and have the same outlet control and top of berm. Mr. Doherty said they are basically combining 2 basins into 1. They have submitted the modifications to the Uxbridge Planning Board and are currently in the working through engineering review comments (Graves has requested recalculations). MESA has approved the modification.

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Members inquired about the wetland line and Mr. Doherty confirmed it has been rechecked and verified to be the same. It was also clarified that the NOI is only for the roadway and related infrastructure and any new home construction within jurisdictional areas will pursue an individual OOC. The original subdivision roadway was permitted through DEP 312-725 and some partial COC's were granted. Members recommended the applicant work towards closing out the original order.

Mr. Doherty asked to continue the hearing as they finalize the engineering review process in case there are any changes to the plan. Members asked for copies of the reviews and responses to which the applicant agreed to provide.

Motion: Mr. Balutis made a motion to continue the public hearing for 312-1149 to the next meeting of the Conservation Commission. Mr. Clancy seconded, and the motion passed by vote of 6-0-0.

5. Request to Amend Order of Conditions DEP #312-1117, Sutton Street, (ROW)

Applicant: Uxbridge Department of Public Works

Representative: Beta Group, Inc.

Project Description: The proposed project includes culvert replacement at the Cold Spring Brook crossing and associated construction activities.

Presentation: Tyler Drew and Toll Warzecki, Beta Group attended on behalf of the Uxbridge DPW for the request. Mr. Warzecki presented the request to modify the upcoming culvert replacement at Sutton Street ROW from a 3-sided box culvert to 2 48" forced concrete pipes. The 3-sided box culvert was specified to comply with the stream crossing guidelines, but it is very expensive to construct (\$1.3 million) and is "extreme overkill" in terms of what is needed in the area and so Uxbridge DPW requested they look into more practical cost-effective solutions. Mr. Warzecki provided the following detail: existing conditions, 2 32" corrugated pipes convey 36 cfs (cubic feet per second), Mass DOT design standard is 25-year storm which is a 107 cfs, the 3-sided box culvert conveys is 416 cfs (twice the amount of a 100-year storm), the proposed 2 48" concrete pipes convey 144 cfs, 50-year storm is 130 cfs. Mr. Drew said although they are not meeting the stream crossing standards, they are bringing the flood elevation down for the abutters and believe it will eliminate recent flooding in the area. They also assessed the culvert downstream at Hartford Ave and ensured through their calcs that there are no negative impacts of increased flow (any increase in flow will be dissipated before it arrives to the Hartford Ave culvert). The cost to construct the 2 48" pipes would cost approximately \$600K.

Mr. Holden asked whether any assessment was made after a recent flooding of the existing culvert. Mr. Drew said they did assess it and pointed out where the water topped the roadway. He explained why they don't anticipate the new design over topping with its 50-year storm capacity. He pointed out the low points, the bank elevations (277.3 ft) and flood elevations at the 50-year storm (277.5). Members discussed the purpose of the stream crossing standards and whether the proposed solution addresses those concerns.

Motion: Mr. Bertuglia made a motion to approve the Amended NOI for DEP 312-1117 Suttons Street. Mr. Balutis seconded and the motion passed by vote of 6-0-0.

WETLAND UPDATES AND ISSUES

1. Discussion of site compliance regarding active & expired Orders of Conditions
 - a. Balm of Life Spring / Quaker Highway Drainage – Ms. Petro informed the members that maintenance had been performed on the structure and displayed photographs of the work. The riprap was refreshed, and large concrete blocks placed at the bottom. Members were happy with the efforts made and thought it was an improvement over what was there before.

REPORTED/ONGOING VIOLATIONS

1. **DEP# 312-1086** — Tea Party Drive – Ms. Petro said the basin reconfiguration is complete. She has not yet been asked to perform a final inspection, but she did see Mark Arnold's report and the most recent rain report also noting construction was complete and hydro seeding occurred. Photos were reviewed and everyone agreed no action needed. (Mr. Bertuglia
2. **620 Hartford Avenue East** - No correspondence from owner but Ms. Petro noted that the Building Inspector has also issued a notice regarding zoning issues and lack of permits for structures.
3. **650 Quaker Highway** - No correspondence from owner.
4. **102 Homeward Avenue** – No recent updates. Mr. Shaw mentioned the homeowners are working to move the fuel tank - there is a permit in front of BOS to place it his business location on N. Main St.

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5. **DEP File #312-1100 44 Hollis Street** – Ms. Petro has not received anything and will follow up. As a result of the EO, Goddard Consulting has been hired and requested an extension to respond with solutions.
6. **195 South Main Street** – members and the agent agree the Conservation Commission does not have jurisdiction over that stream (depending on whether it's intermittent or not – difficult to determine – not well-defined channel). Everyone agrees that you cannot direct stormwater on another person's property. The Building Department may also be looking at it. Members agree the quickest response may be to handle it as a property dispute.
7. **Cobblers' Knoll** – Turner Farm Road – no correspondence since the Commission requested an engineered analysis of the drainage basin.

PROCESSING

1. **Minutes 4/3/23, 5/15/23**

Motion: Mr. Balutis made a motion to approve the meeting minutes for April 3, 2023 as written. Mr. Bertuglia seconded, and the motion passed by vote of 5-0-1 (Ms. Steele abstained from vote).

Motion: Mr. Balutis made a motion to approve the meeting minutes for May 5, 2023 as written. Ms. Steele seconded, and the motion passed by vote of 5-0-1 (Mr. Bertuglia abstained from vote).

ANY OTHER BUSINESS, WHICH MAY LAWFULLY COME BEFORE THE CONSERVATION COMMISSION

1. **Signs for Pout Pond** – Still no signs for ecologically sensitive area. Ms. Shelley agreed to place an order.
2. **Rivulet Street CR Property Survey** – Last updated was from 5/16 that early reconnaissance was completed and they final stakes to go in within the next week.
3. **Wetland Replication Report** – about ¼ wetland replications are done to the best standards, members agree we should avoid if we can, if necessary, the CC should require as much replication area as possible and have stringent review. The report should be saved and used as justification with applicants.
4. **CR Restriction Properties** – Mr. Holden reviewed the Commission's responsibility over the properties and offered to coordinate site inspections for the existing and new CR's in Uxbridge (Campanelli, Amazon salamander, Crownshield Ave drainage area, near Laurel Brook Club, 21 and 41 Arbor Rd, BJ's, Henry Legg Rd, Southwood's Drive, Elmwood Dr).
5. **Metacomet Land Trust** is holding their annual meeting at UHS on June 21st and they have a Rebecca Colby from Mass Wildlife will be providing a presentation on Coldwater Streams and the Fish that live in them.
6. **MACC Handbook Access** – some members cannot access the MACC handbook.
Motion: Mr. Holden made a motion to approve the funds for MACC handbook access for active members of the Conservation Commission. Mr. Bertuglia seconded, and the motion passed unanimously by vote of 6-0-0.

ADJOURNMENT-NEXT MEETING SCHEDULED FOR Tuesday, June 20, 2023

Motion: Ms. Steele made a motion to adjourn the June 5 meeting of the Conservation Commission. Mr. Clancy seconded, and the motion passed unanimously by roll call vote of 6-0-0.

Respectfully Submitted,

Melissa Shelley, Land Use Administrative Assistant


Jeff Shaw, Chairman